IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**
**WRIT PETITION NO : 29014 of 1997**

**Dated 7th February, 2007**

Between

B.Sarojamma

...Petitioner

and

The State of AP, represented by the District Collector Chittoor and ors.

...Respondents.

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 29014 of 1997**

**ORDER:**

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondents in interfering with her peaceful possesson over the land admeasuring Ac.0.20 cens and Ac.0.76 cents covered by Sy.Nos.28/26A and 28/25 respectively of Bhoomalagadda village, Hamlet of Bandapai in Chittoor District as illegal and arbitrary.

It is stated in the affidavit filed in support of the Writ Petition, that the above said land was assigned to one Mr. Bollu Moshe. The said assignee sold the said land to the petitioner by registered sale deed dated 24-6-1991. Thereafter, the vendor of the petitioner has filed suit in

O.S.No. 55 of 1993 in the Court of the Principle District Munsif, Madanapalle. The said suit ended in dismissal by judgment and decree dated 14-8-1997. It is the grievance of the petitioner that in spite of dismissal of the said suit, there is interference with her possession by the respondents with the assistance of the Station House Officer, Nimmanapalle Police Station, Chittoor District.

Third respondent-Inspector of Police, Nimmanapalle Police Station, has filed counter affidavit stating that in the judgment in O.S.No. 55 of 1993, the learned Principal District Munsif, Madanapalle has observed that the original assignee has violated the conditions of the DKT patta and alienated in favour of Defendant No.1-Sarojamma (Petitioner herein), and, as such directions were issued for resumption of the said land, so as to distribute the same to eligible persons. It is stated that during the 'Revenue Sadassu' basing on a representation, the Joint Collector has issued orders for restoration of the said land to the original assignee and as per the requisition of the Mandal Revenue Officer, the third respondent has deputed constables to avoid untoward incidents.

In the counter affidavit filed on behalf of the respondents 1 and 2, it is stated that the land in question was originally assigned to one Bollu Moshe by the then Tahsildar, but however, violating the conditions of the assignment, the said Bollu Moshe sold the said land in favour of the petitioner through registered sale deed dated 24-6-1991.It is further stated that in view of the

representation submitted by the original assignee to the District Collector in 'Praja Sadassu' on 27-4-1997, action was initiated and possession was restored to the original assignee under Section 4(2) of the Act 9 of 1977.

To prohibit the transfers of the assigned lands, State has enacted A.P. Assigned Lands (Prohibition of transfers) Act, 1977, (Act 9 of 1977). As per Section 4(1) of the Act 9 of 1977, the District Collector or any other officer not below the rank of Tahsildar, if in any case, is satisfied that the provisions of Sub-Section (1) of Section 3 have been contravened in respect of any assigned land, he may, by order, take possession of the assigned land after evicting the person in possession after such written notice. Though it is stated that by due process of law, steps have been taken, but in the counter affidavit filed by the third respondent or in the counter filed on behalf of the respondents 1 and 2, there is no reference of any order passed under Section 4(1) of the Act 9 of 1977.

For the aforesaid reasons, I dispose of the Writ petition directing the respondents not to interfere with the possession of the land of the petitioner ad measuring Ac.0.20 cens and Ac.0.76 cents covered by Sy.Nos.28/26A and 28/25 respectively of Bhoomalagadda, Hamlet of Bandapai in Chittoor District . However, this order will not preclude the respondents from passing an order under Section 4(1) of the Act 9 of 1977 and take steps in accordance with law.

The Writ petition is accordingly disposed of. No order as to costs.

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*JUSTICE R. SUBHASH REDDY*

DATE: 07-02-2007.
Msnr.